

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NATHAN DEAN ALEXANDER,)	
)	
Plaintiff,)	
vs.)	NO. CIV-15-0484-HE
)	
JOHN WHETSEL, Oklahoma County)	
Sheriff, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Nathan Dean Alexander, appearing *pro se* and *in forma pauperis*, filed this action asserting claims under §1983 against multiple defendants. Consistent with 28 U.S.C. §636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Bernard M. Jones. The court previously adopted his recommendations that plaintiff's claims against all defendants, except for defendant Bryan Collins who had not been served with process, be dismissed for failure to state a claim upon which relief may be granted. The magistrate judge now recommends that the court dismiss plaintiff's claims against defendant Collins without prejudice for failure to effect service within the 120 days then allowed under Fed.R.Civ.P. 4.

Plaintiff did not object to the magistrate judge's Report and Recommendation. He thereby waived his right to appellate review of the factual and legal issues it addressed.¹


¹The court notes that, in considering whether a second permissive extension of time to effect service should be granted, the magistrate judge concluded that plaintiff's action against Mr. Collins would not be barred if it were refiled. Report and Recommendation, Doc. #50, p. 3.

Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Jones's Report and Recommendation and dismisses plaintiff's claims against defendant Collins without prejudice.

IT IS SO ORDERED.

Dated this 17th day of October, 2016.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE